

INF Australia Prevention of Sexual Exploitation, Abuse and Harassment Policy

Policy number:		Version:	1
Owner:	Board	Approved on:	April 1, 2019
Users:	Board, Staff, Volunteers, Partner Organisations	Scheduled review date	

THIS POLICY COMPLIES WITH: ACFID CODE OF CONDUCT, COMMONWEALTH CRIMINAL CODE ACT 1995

RELATED INF AUSTRALIA POLICIES: CHILD PROTECTION POLICY, GENDER EQUALITY POLICY, DISABILITY INCLUSION POLICY, COMPLAINTS HANDLING POLICY, WHISTLEBLOWER POLICY, DISCIPLINE AND GRIEVANCE POLICY, BULLYING AND HARASSMENT POLICY, PARTNERSHIP POLICY, SENDING POLICY

RELATED INF AUSTRALIA PRACTICE DOCUMENTS: CHILD PROTECTION & SAFEGUARDING PRACTICE, CODE OF CONDUCT, SENDING PRACTICE, IMAGE USE GUIDELINES

1. INTRODUCTION

1.1 PREAMBLE AND PURPOSE

INF Australia seeks to ensure the dignity and rights of all people we work with are protected and promoted. This policy is intended to ensure that our work provides safety and security for all people from sexual exploitation, abuse and harassment (SEAH) – including staff, volunteers, program participants and beneficiaries and partner organisations.

INFA has no tolerance for any form of sexual exploitation, abuse or harassment and regard this as a violation of respect for the divine image shared by all people and a violation of their fundamental rights and dignity. We recognise that we have a special duty to protect children and other vulnerable people, particularly when such people are brought into relationships which carry inherent vulnerabilities or power imbalance – such as client/provider, beneficiary/program staff, and so on.

We will proactively guard against and respond to SEAH and work to develop and nurture an organisational culture within INFA and our partner organisations that makes prevention of sexual exploitation, abuse and harassment a priority.

1.2 DEFINITIONS

Child – any person under the age of eighteen years as defined by the Convention on the Rights of the Child irrespective of local country definitions of when a child reaches adulthood.

Vulnerable adults - those aged over eighteen years and who identify themselves as unable to take care of themselves/ protect themselves from harm or exploitation; or who, due to their gender, mental or physical health, disability, ethnicity, religious identity, sexual orientation, economic or social status, or as a result of disasters and conflicts, are deemed to be at risk.

Sexual Exploitation - any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.¹ This exploitation includes online activities or sharing of images related to the sexual exploitation of a child or vulnerable adult.

Sexual Abuse - the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual Harassment - includes all conduct of a sexual or gender-determined nature at the workplace or connected to the workplace that is intended to violate the dignity of a person, or which has this effect. This may include, but is not limited to:

- Physical approaches or physical contact of a sexual nature, or sexual assault
- Gestures and other nonverbal communication with sexual undertones
- Comments of a sexual nature about individuals and/or their body, conduct, sex life or sexual identity
- Sexually discriminatory language and humiliating remarks, including sexually explicit jokes;
- Requests to perform sexual activities
- Showing or displaying pornographic or sexist images
- Inappropriate questions about an individual's relationship status or details of their relationships
- Inappropriate or unwelcome gifts, invitations and working or travel arrangements

INFA Partners – Staff and recognised volunteers or representatives of organisations and groups with which INF Australia has a formal, documented agreement for the purposes of implementing service, welfare, development or disaster-related programs in line with INFA Partnership Policy and Procedures.

INFA Associates – Any person or persons who are contracted by INFA to provide services or approved by INFA to participate in an INFA-organised trip, trek or other program in Nepal.

2. POLICY

2.1. PREVENTING SEXUAL EXPLOITATION OR ABUSE

INFA staff, volunteers, and associates, along with INFA Partners, will not, under any circumstance:

- Engage in sexual activity with children.
- Sexually exploit, abuse or harass any child or adult.
- Engage in sexual activity (transactional or otherwise) with any beneficiary or participant in INFA and Partner programs.
- Engage in transactional sex with commercial sex workers (whether or not this is legal in the jurisdiction in which the activity is undertaken).
- Procure sex for others.

¹ The definitions for both Sexual Exploitation and Sexual Abuse are contained in the United Nations Secretary-General's Bulletin, "Special measures for protection from sexual exploitation and sexual abuse" ST/SGB/2003/13 (9 October 2003) [hereinafter Secretary-General's Bulletin on SEA (2003)].

2.2. CREATING ENVIRONMENTS FREE FROM SEXUAL EXPLOITATION, ABUSE & HARASSMENT

INFA staff, volunteers and associates, along with INFA partners, will work to ensure that all people in our workplaces and the communities in which we work feel safe, respected and valued. Because gender and other power imbalances are inherent in many cases of SEAH, INFA and INFA partners, will proactively raise awareness of the rights of women, children and other vulnerable persons and include consideration of gender and power at all stages of program planning and implementation, including clear assessments, monitoring and mitigation measures for all sexual exploitation, abuse and safeguarding risks.

INFA staff, volunteers and partners will be subject to rigorous screening in order to minimise risks of SEAH, and INFA partners will be required to maintain policies and procedures designed to prevent and respond to sexual exploitation, abuse and harassment.

Allegations or reports of sexual exploitation, abuse or harassment will be handled with sensitivity and integrity, according to clear and agreed standards. These will include INFA's Complaints Handling Policy, Whistleblower Policy, Discipline and Grievance Policy and such partner-developed policies and procedures developed to prevent and respond to sexual exploitation, abuse and harassment.

2.3. REPORTING AND INVESTIGATING

INFA staff, volunteers and associates are required to report any concerns, suspicions or allegations of SEAH or breach of this policy. All reports of SEAH will be recorded and investigated. All information and documented evidence will be held securely and in confidence as far as appropriate. The name of the complainant will only be revealed to a person implicated in the allegation or any other person only with the complainant's authorisation. Reports to INFA and procedures to investigate such reports will be in accordance with INFA's Complaints Handling and Whistleblower policies.

INFA will work with local partners to develop and maintain appropriate reporting and investigation procedures. Partners' own reporting and investigation procedures and resources may be supplemented by additional resources identified or supplied by INFA, as risk or circumstance indicate.

Any person reporting a case of SEAH, in good faith, or any person who has cooperated with an investigation into a report of SEAH, will be protected by this and by INFA's Whistleblower Policy. Malicious reporting of SEAH with the intention of harming another person's integrity or reputation amounts to misconduct and is subject to disciplinary action. This is distinct from reports made in good faith based on the judgment and information available at the time of the report, which may not be confirmed by an investigation.

Any report of SEAH which involves a breach of Australian or other national laws will be reported to Australian and/or local authorities.

2.4. SUPPORT FOR SURVIVORS

INFA will place the needs and rights of survivors at the heart of our approach to preventing and responding to SEAH. All responses will balance respect for due process and natural justice with a priority for the survivor's wishes, safety and wellbeing.

INFA will ensure survivors of SEAH are offered support and assistance such as referral to safe health/medical, psychosocial and legal/justice response or other specialised services where appropriate and required.

Survivors will be provided with information on the progression of an investigation and final outcomes.

2.5. BREACHES OF POLICY AND PENALTIES

Sexual exploitation, abuse and harassment by INFA staff, volunteers or associates constitute acts of gross misconduct and are therefore grounds for termination of employment, volunteer assignment or association. In line with relevant policies and procedures, such conduct may lead to referral to local authorities or the Australian Federal Police, investigation and performance management, formal warnings, and/or termination of employment/assignment.

REVISION HISTORY

Date	No	Summary of Changes	Section/s that changed	Authorised by:
April 2019		New policy		Board